

REMARKS

Claims 22-34 were rejected under 35 U.S.C. §102(e) as being anticipated by *Wynn* et al. (U.S. Pat. No. 5,971,271). Claims 22, 27, and 31 have been amended. Claims 22-34 are pending.

The Office Action states:

“Figure 17 discloses that prior to sending a message stream (video, audio, image, or a combination thereof) to a player at a gaming machine, the machine must not be in use. This teaches that if a player is in the middle of game play, the message will be postponed, or not sent at all, so as to not interfere with the game. If a player is in the middle of a game, then the entire game region is important and a message stream shall not be sent. Conversely, if a player is not in the middle of a game, then the entire game region is essentially unimportant, and a message stream may be sent.” (emphasis added).

The claims have been amended to recite that the video overlay device (VOD) performs the following:

- 1) receives the game image and the player tracking information;
- 2) generates a player tracking information image;
- 3) determines which regions of the game image are not important or essential to game play;
- 4) creates a combined image by overlaying the player tracking information image on these non-essential/important regions of the game image; and
- 5) provide the combined image to the display.

The claims have been amended to recite that the VOD determines regions of the game image wherein the regions are portions of the game image that, if overlaid with data, would not interfere with the enjoyment and operation of the game. Support for the amendments may be found on pages 9 and 10 of the specification. Portions of the game image are overlaid as opposed to the entire image either being used for game play or for being used for a message stream as disclosed in *Wynn*. No where does it teach a device that determines which regions (in contrast to the entire image) of the game image are not important or essential to game play. Nor

does it teach that this information is used to determine where to insert or overlay player tracking information by the video overlay device.

The claims dependent on claims 22, 27, and 31 are allowable for the same reasons as that of the independent claims.

Reconsideration of this application and issuance of a Notice of Allowance at an early date are respectfully requested. If the Examiner believes a telephone conference would in any way expedite prosecution, please do not hesitate to telephone the undersigned at (612) 252-3335.

Respectfully submitted,
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